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MILITARY

'Don't ask, don't tell' rejected again

Ruling: Gays' rights violated

Associated Press

NEW YORK — Responding to a challenge by a higher court, a federal judge ruled Wednesday that the military's "don't ask, don't tell" policy violates gays' rights to equal participation in national defense.

A military "called on to fight for the principles of equality and free speech embodied in the United States Constitution should embrace those principals in its own ranks," U.S. District Judge Eugene Nickerson wrote.

Spokesmen at the Pentagon and White House said it was too soon to comment on whether there will be an appeal. But the issue is widely expected to be decided eventually by the Supreme Court. Several cases around the nation are challenging the Clinton administration's 1993 compromise.

Nickerson was forced by an appeals-court panel to review the 1995 ruling in which he became the first federal judge to strike down the policy.

He concluded in his follow-up opinion that it discriminates against gays by violating both their First Amendment free-speech right and Fifth Amendment equality protections.

The judge found that for the policy "to single out gay and lesbian members denies them, without legitimate reason, the right to openly participate as equals in the defense of the nation."

The American Civil Liberties Union and the Lambda Legal Defense and Education Fund, which brought a lawsuit on behalf of two active-duty and four reservist plaintiffs, said the decision, if upheld, would eliminate a cruel set of double standards applied to gay and lesbian troops.

Under the "don't ask, don't tell, don't pursue" policy, gays can serve as long as they keep their sexual orientation to themselves and do not engage in homosexual acts. Otherwise, they can be honorably discharged. In addition, commanders may not ask a service member his or her sexual orientation.

Nickerson, a liberal judge nominated to the bench by President Carter in 1977, said in his original decision that the policy violates free-speech rights because it bars service members from saying "I am gay."

Last year, a three-judge panel of the 2nd U.S. Circuit Court of Appeals said the lower court failed to address the section of the policy banning homosexual acts. The issue of free speech was "incidental and wholly subservient to the restriction on acts," the appeals court said.

Nickerson responded by arguing the policy not only infringes on free speech but also on equal treatment under the due process clause of the Fifth Amendment.

WASHINGTON

China sells nuclear, chemical weapons

CIA report lists top exporters

Associated Press

WASHINGTON — A CIA report identifies China as the world's leading source of technology for weapons of mass destruction, including nuclear missile technology and chemical weapon systems.

An unclassified six-page report submitted to Congress and made public this week cites China and to a lesser extent Russia as sources for the spread of chemical, biological and nuclear technology.

The report, written by the CIA's Nonproliferation Center, called China "the most significant supplier of WMD-related goods and technology to foreign countries" in the latter half of 1996, the period covered by the report. WMD is short for weapons of mass destruction.

Iran, a key U.S. security concern in the oil-rich Persian Gulf, looks to China and Russia for weapons. The CIA said Iran has been seeking to acquire all types of technology for weapons of mass destruction, particularly chemical weapons and nuclear-related goods.

Other areas of concern are Syria and Egypt, which are both developing Scud missile capability. Libya reduced its chemical weapons-related imports, according to the CIA.

To check the flow of chemical, biological and nuclear weapons technology, the CIA points to a range of policy options: export controls, incentives to reduce arms transfers, security guarantees and actual seizure of materials.

The United States is the world's leading arms exporter, a ranking that poses a problem for U.S. diplomats trying to dissuade foreign governments from trading in weapons of mass destruction, said John Isaacs of the Council for a Livable World.

DUGAN

Intelligence group admits it plans to launch satellite